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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,392	12/12/2003	Hatem Hannawa	66138-0005	8983
10291	7590	04/11/2006	EXAMINER	
RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610			SAFAVI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,392	Applicant(s) HANNAWA ET AL.	
	Examiner M. Safavi	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 31, 2005 & December 14, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-11 and 24-32 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 28-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-11, and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/04 & 12/27/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicant's election without traverse of the invention of Group I in the reply filed on August 31, 2005 is acknowledged.

Applicant's election with traverse of the species of Fig. 1/2 in the reply filed on December 14, 2005 is acknowledged. The traversal is on the ground(s) that the species are not classified in different classes and that claim 1 is a generic claim. This is not found persuasive because there would be a serious burden upon the examiner in searching for all species disclosed and address all claims directed to all species as well as in formulating and setting forth a rejection to each species of the invention. Restriction between species may be made even though there may be no species claim present, M.P.E.P. 809. And, M.P.E.P. 808.01 does not require a separate classification between distinct species of the invention.

The requirement is still deemed proper and is therefore made FINAL.

Claims 6 and 28-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species of the invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 14, 2005.

Applicant has indicated that claims 1, 3-5, 9-11, 24, 26-28, 30 and 32 read upon the elected species of Fig. 1/2. However, Claim 28 defines "webbings" and "an outer most webbing" including recesses with openings which is not found in the species of Fig. 1/2. Therefore claims 28-32 are being withdrawn from consideration at this time.

Information Disclosure Statement

The information disclosure statement filed December 27, 2004 fails to fully comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Applicant has failed to provide a date of publication for the reference listed as CA under Non Patent Literature. It has been placed in the application file, but the information referred to therein, with respect to the reference listed as CA under Non Patent Literature, has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11 and 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites, "a cavity associated with said pattern" when it is not clear as to what is being defined by "associated with said pattern". The term "associated" does not define a particular relationship between the cavity and the pattern.

Claim 9 recites, "said cavity associated with said pattern may extend more than approximately one-half the total thickness of the form". However, it is not clear as to what Applicant intends with he recitation "may extend...". Does the cavity extend more than approximately one-half the total thickness of the form? Or, is the language of claim 9 merely presented a possible design?

Claim 10 recites, "said cavity may extend more than approximately three-quarters of the total thickness of the form". However, it is not clear as to what Applicant intends with he recitation "may extend...". Does the cavity extend more than approximately three-quarters of the total thickness of the form? Or, is the language of claim 10 merely presented a possible design?

Claim 25 recites, "a cavity associated with said pattern" when it is not clear as to what is being defined by "associated with said pattern". The term "associated" does not define a particular relationship between the cavity and the pattern.

Claim 26 recites, "said cavity associated with said pattern may extend more than approximately one-half the total thickness of the form". However, it is not clear as to what Applicant intends with he recitation "may extend...". Does the cavity extend more than approximately one-half the total thickness of the form? Or, is the language of claim 26 merely presented a possible design?

Claim 27 recites, "said cavity may extend more than approximately three-quarters of the total thickness of the form". However, it is not clear as to what Applicant intends with he recitation "may extend...". Does the cavity extend more than

approximately three-quarters of the total thickness of the form? Or, is the language of claim 27 merely presented a possible design?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 8-11, and 24-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 10-292624 (JP '624).

JP '624 discloses, Figs. 3, 4, 9, and 12, a panel formed of fiber reinforced resin having a pattern in the form of recesses 4 with openings 8 therethrough and reinforcing matrix in the form of braces 3, 5, and 6, (**claims 1, 3-5, 8, 24, and 25**). The recess of each pattern can be seen as extending more than approximately three-quarters of the total thickness of the form, (**claims 9, 10, 26, and 27**). At least one cavity "intersects one of the braces as can be seen in Figs. 4, 9, and 12, (e.g. lower 6 of Fig. 9 and lower 5 of Fig. 12 as well as lower 5 of Fig. 4 intersect with a cavity), (**claim 11**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Japanese reference 10-292624 (JP '624) or Sawyer '808 in view of European reference 623,434 (EP '434).

Each of JP '624 and Sawyer '808 do not appear to specifically disclose a form made of a plastic material that includes fiberglass strands. However, EP '434 teaches utilization of a form made of plastic material reinforced with fiberglass strands. Therefore, to have formed the form of either of JP '624 or Sawyer '808 from a plastic material reinforced with fiberglass strands, thus providing a sturdy form panel, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by EP '434.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference '624 (JP '624) in view of Edison '261.

As stated above JP '678 shows at least one cavity which intersects one of the braces as can be seen in Figs. 4, 9, and 12, (e.g. lower 6 of Fig. 9 and lower 5 of Fig. 12 as well as lower 5 of Fig. 4 intersect with a cavity). In any event, Edison discloses a form panel with a decorative pattern cavity intersecting one of the braces to provide

support. Therefore, to have provided the JP '624 form panel with a cavity intersecting one of the braces, thus serving to provide support, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Edison '261.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Safavi
February 25, 2006

MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 3673